

EXHIBIT 10

[Translation]

[E-mail to the inventor Sang Won Son from K&C staff, Jiwon Lim]

From: zjwlim (Ji-Won Lim)
Date: January 22, 2007 10:06 AM
To: aswonas@empal.com
Cc: jykim1 (Joo-Young Kim)
Subject: [To. Mr. Sang Won Son] An announcement from Law offices of Kim & Chang (FE241486)
Attachment(s): FE241486- SWS -MEMORANDUM. PDF

To: Mr. Sang Won Son (sawonas@empal.com)
#203, 94-2 Sanbon 1-dong, Gunpo-si, Gyeonggi-do 435-838
Re: Transmission of Signature Documents to be filed with U.S. Patent and Trademark Office (U.S. Patent Application No. 10/561,351 (Our Ref. FE241486))

Dear Mr. Son,

From our correspondence of e-mails dated May 13, 2006 and January 17, 2007, and our letters dated September 19 and October 27, 2006 sent via certified mail, you are aware of the above-identified invention, which you developed in 2002 and assigned your right to receive patent to Hyundai Syscomm, Inc. according to the employee's invention compensation policy. You are also aware that the right to receive patent for this invention has currently been transferred from Hyundai Syscomm to our client UTStarcom Korea Limited. You have yet to express your opinion on this matter.

According to a telephone contact made with Patent Attorney Joo-Young Kim of Kim & Chang on January 19, 2007 (phone number 010-8443-0896), you confirmed that you will not cooperate in this U.S. patent application.

We will convey the inventor's confirmation to the U.S. associate so that inventor's noncooperation will be filed with the U.S. Patent and Trademark Office. Thus, the application will go on without your cooperation by the current right's owner.

Law Offices of Kim & Chang
Patent Attorney Joo-Young Kim (Tel. 02-2122-3561)
Assistant Manager Jiwon Lim (Tel. 02-2122-3838)

[Translation]

KIM & CHANG

Hungkuk Life Insurance Building, 9F, 226 Sinmunno 1-ga, Jongno-gu, Seoul 110-786, Korea
Telephone: (822) 764-8855 / 2122-3900 Fax: (822) 741-0328 / 745-5954 / 763-7434
E-Mail: all@ip.kimchang.com

January 22, 2007

To. Sang Won Son (E-mail: aswonas@empal.com)
#203, 94-2 Sanbon 1-dong, Gunpo-si, Gyeonggi-do 435-838, Republic of
Korea

Re. Declaration and Power of Attorney and Assignment to be filed with U.S.
Patent and Trademark Office (U.S. Serial No. 10/561,351)

K&C Ref.: GP048360/FE241486

<MEMORANDUM>

Dear Mr. Son,

From our correspondence of e-mails dated May 13, 2006 and January 17, 2007, and our letters dated September 19 and October 27, 2006 sent via certified mail, you are aware of the above-identified invention, which you developed in 2002 and assigned your right to receive patent to Hyundai Syscomm, Inc. according to the employee's invention compensation policy. You are also aware that the right to receive patent for this invention has currently been transferred from Hyundai Syscomm to our client UTStarcom Korea Limited. You have yet to express your opinion on this matter.

According to a telephone contact made with Patent Attorney Joo-Young Kim of Kim & Chang on January 19, 2007 (phone number 010-8443-0896), you confirmed that you will not cooperate in this U.S. patent application.

We will convey the inventor's confirmation to the U.S. associate so that inventor's noncooperation will be filed with the U.S. Patent and Trademark Office. Thus, the application will go on without your cooperation by the current right's owner.

-Contact Person: Attorney Joo-Young KIM/
Attorney Jee Hong YOON
-Telephone: 02-2122-3561 / 02-2122-3515
-E-mail: jykim1@ip.kimchang.com

Attorney Jee Hong YOON (seal)

zjwlim (Ji-Won Lim)

보낸 사람: zjwlim (Ji-Won Lim)

보낸 날짜: 2007년 1월 22일 월요일 오전 10:06

받는 사람: 'aswonas@empal.com'

참조: jykim1 (Joo-Young Kim)

제목: [손상원님] 김.장법률사무소입니다.(FE241486)

첨부 파일: FE241486-손상원-메모랜덤.pdf

수 신 : 손 상 원 님

경기도 군포시 산본1동 94-2, 203호 (우.435-838)

E-mail: aswonas@empal.com

제 목 : 미국 특허청 제출용 서명서류 송부의 건 (U.S. Serial No. 10/561,351)

당소 정리 번호 : GP048360/FE241486

2006년 5월 13일자 당소 이메일, 2006년 9월 19일자 내용증명 우편서신, 2006년 10월 27일자 리마인더 이메일 및 2007년 1월 17일자 이메일을 통하여, 귀하께서 2002년도에 현대전자산업 주식회사/현대시스콤 재직 중에 개발하신 상기 발명에 대한 권리가 당시 소속회사의 직무발명 양도규정에 따라 소속회사에 양도되었으며, 현재 이 발명에 대해 특허를 받을 수 있는 권리가 당시 소속회사로부터 당소의 의뢰인인 유티스타콤 코리아 유한회사로 이전되어 있는 상태를 통보드리고 협조를 구하고자 하였으나, 귀하께서는 협조여부에 대한 아무런 의사 표시도 하지 않으셨습니다.

2007년 1월 19일 당소 담당자(변리사 김주영)와의 전화통화(전화번호: 010-8443-0896)를 통하여 귀하께서는 상기 발명의 미국 출원 진행에 협조하지 않을 것임을 명확히 하셨습니다.

당소에서는 위와 같은 의사를 미국 대리인을 통하여 특허청에 제출하도록 하겠습니다. 이로서 본 특허출원은 귀하의 협조 없이 현 권리자에 의해 단독으로 진행될 것입니다.

김.장법률사무소

변리사 김주영 (전화 02-2122-3561)

과장 임지원 (전화 02-2122-3838)

2007-03-08

金·張 法律事務所
KIM & CHANG

서울시 중로구 신문로 1가 226 흥국생명빌딩 9층 우편번호 110-786
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2007년 1월 22일

수 신 : 손 상 원 님

경기도 군포시 산본1동 94-2, 203호 (우.435-838)

E-mail: aswonas@empal.com

제 목 : 미국 특허청 제출용 서명서류 송부의 건 (U.S. Serial No. 10/561,351)

당소 정리 번호 : GP048360/FE241486

<MEMORANDUM>

2006년 5월 13일자 당소 이메일, 2006년 9월 19일자 내용증명 우편서신, 2006년 10월 27일자 리마인더 이메일 및 2007년 1월 17일자 이메일을 통하여, 귀하께서 2002년도에 현대 전자산업 주식회사/현대시스콤 제직 중에 개발하신 상기 발명에 대한 권리가 당시 소속회사의 직무발명 양도규정에 따라 소속회사에 양도되었으며, 현재 이 발명에 대해 특허를 받을 수 있는 권리가 당시 소속회사로부터 당소의 의뢰인인 유티스타콤 코리아 유한회사로 이전되어 있는 상태를 통보드리고 협조를 구하고자 하였으나, 귀하께서는 협조여부에 대한 아무런 의사표시도 하지 않으셨습니다.

2007년 1월 19일 당소 담당자(변리사 김주영)와의 전화통화(전화번호: 010-8443-0896)를 통하여 귀하께서는 상기 발명의 미국 출원 진행에 협조하지 않을 것임을 명확히 하셨습니다.

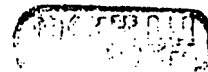
당소에서는 위와 같은 의사를 미국 대리인을 통하여 특허청에 제출하도록 하겠습니다. 이로서 본 특허출원은 귀하의 협조 없이 현 권리자에 의해 단독으로 진행될 것입니다.

-담당자: 김 주 영 변리사 / 윤 지 홍 변리사

-전화: 02-2122-3561 / 02-2122-3515

-E-mail: jykim1@ip.kimchang.com

변리사 윤 지 홍



**DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(b) BY
PERSON HAVING PROPRIETARY INTEREST TO FILE APPLICATION ON BEHALF
OF INVENTOR**

Dear Sir:

This Declaration is in support of Petition under 37 C.F.R. § 1.47(b) to allow UTStarcom, Inc. to make the application on behalf of the non-signing inventor(s) listed in **Schedule A**, column 3, who has refused to cooperate.

1. I, Joo-Young Kim, am a citizen of Korea, residing at Ssang-Yong, Apt No. 103-1101, 706 Sungsu-dong 1-ga, Sungdong-gu, Seoul 133-923, Republic of Korea.
2. I am a Korean patent attorney with the law firm of Kim & Chang, located at Hungkuk Life Insurance Building, 9F, 226 Sinmunno 1-ga, Jongno-gu, Seoul 110-786, Korea.
3. On behalf of Kim & Chang, I am representing UTStarcom Korea Limited, a wholly owned subsidiary of UTStarcom, Inc.
4. I am knowledgeable regarding Korean Patent Law.
5. I submit this declaration in support of the accompanying memorandum of law.
6. The Korean company Hyundai Syscomm filed the Korean National Application listed in **Schedule A**, Column 6 as the applicant of record, with inventor(s) in **Schedule A**, column 3 listed as the inventor(s).

7. The filing of the above-referenced Korean Application by Hyundai Syscomm was not opposed by the Examiner or any third party including the employee/inventor.

8. On April 27, 2004, UTStarcom, Inc., through its wholly owned subsidiary UTStarcom Korea Limited, acquired Hyundai Syscomm's Intellectual Property Portfolio, including the rights to the Korean National Application listed in **Schedule A, column 6**, and duly recorded this change of ownership with the Korean Intellectual Property Office without objection.

9. As a result of the acquisition, UTStarcom, Inc. became the sole proprietary owner of Hyundai Syscomm's Intellectual Property Portfolio, which includes the above-referenced Korean National Application.

10. UTStarcom Korea Limited filed the PCT application listed in **Schedule A, column 8**, claiming priority to the above-referenced Korean National Application.

11. The above-referenced PCT application entered U.S. National phase in the United States on the date listed in **Schedule A, column 5**, having the U.S. Application Serial Number listed in **Schedule A, column 4**.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 13-March-2007 By: Joo-Young Kim

Joo-Young Kim
Kim & Chang
Hungkuk Life Insurance Building, 9F,
226 Sinmunno 1-ga, Jongno-gu,
Seoul 110-786, Korea

SCHEDULE A

1	2	3	4	5	6	7	8	9
MBHB Reference No.	Title	Inventor(s)	U.S. Application No.	U.S. Filing Date	Korean Application No.	Filing Date (Korean Application)	PCT Application No.	Filing Date PCT National Phase
1 05-386-B	Method For Stabilizing BTS Using E1 Trunk Board Duplexing Of BSC	Se Yeon KIM	10/545,922	August 17, 2005	2003-0018549	March 25, 2003	PCT/KR2004/00645	March 24, 2004
2 05-390-B	Method For Optimizing A DSP Input Clock Using A Comparing/Analyzing Circuit	Seong Chul SHIN	10/545,505	August 12, 2005	2003-0018553	March 25, 2003	PCT/KR2004/00655	March 24, 2004
3 05-392-B	Method For Trunk Line Duplexing Protection Using A Hardware Watchdog	Yeong Weon JUNG	10/545,895	August 17, 2005	2003-0018554	March 25, 2003	PCT/KR2004/00654	March 24, 2004
4 05-428-B	Device for Implementing a RNC Using LVDS	Kyung Hwan AN	10/559,738	December 6, 2005	2003-0051165	July 24, 2003	PCT/KR2004/01858	July 23, 2004
5 05-428-C	Device for Implementing a RNC Using LVDS	Kyung Hwan AN	11/534,965	September 25, 2006	2003-0051165	July 24, 2003	PCT/KR2004/01858	July 23, 2004
6 05-429-B	Method of Allocating Links in a IX EVDO System	Kye Chol CHO	10/560,297	December 12, 2005	2003-0051466	July 25, 2003	PCT/KR2004/01880	July 26, 2004
7 05-432-B	Method for Downloading a Single Firmware Image File to Client Systems Having Different CPU Modules	Chan Soo PARK	10/559,225	December 6, 2005	2003-0051153	July 24, 2003	PCT/KR2004/01853	July 23, 2004
8 05-432-C	Method for Downloading a Single Firmware Image File to Client Systems Having Different CPU Modules	Chan Soo PARK	11/534,970	September 25, 2006	2003-0051153	July 24, 2003	PCT/KR2004/01853	July 23, 2004

SCHEDULE A

MBHB Reference No.	Title	Inventor(s)	U.S. Application No.	U.S. Filing Date	Korean Application No.	Filing Date (Korean Application)	PCT Application No.	Filing Date PCT National Phase
9 05-433-B	Method for Unifying Operations of Boards by Using Logical Addresses Thereof	Yoon Mi HWANG	10/559,235	December 6, 2005	2003-0051155	July 24, 2003	PCT/KR2004/01855	July 23, 2004
10 05-433-C	Method for Unifying Operations of Boards by Using Logical Addresses Thereof	Yoon Mi HWANG	11/534,960	September 25, 2006	2003-0051155	July 24, 2003	PCT/KR2004/01855	July 23, 2004
11 05-434-B	Method for Establishing an ATM Traffic Channel Path Between a BSC and a BTS in an EV-DO System	Woo Seog KOO	10/560,142	December 9, 2005	2003-0051157	July 24, 2003	PCT/KR2004/001856	July 23, 2004
12 05-438-B	ATM Switch for use in W-CDMA	Cheol Hyun JANG	10/545,578	August 16, 2005	2003-0018557	March 25, 2003	PCT/KR2004/00658	March 25, 2004
13 05-439-B	Remote Unit for Adding Frequency Assignments to a Separation-Type Base Transceiver Station	Jae Ick LEE	10/556,267	November 14, 2005	2003-0034799	May 30, 2003	PCT/KR2004/01276	May 28, 2004
14 05-476-C	Apparatus and Method for Tracking the Position/Object Using a Mobile Communication Network	Choon Geun CHO	10/567,529	February 7, 2006	2003-0066875	September 26, 2003	PCT/KR2004/02466	September 24, 2004
15 05-496-C	Method of Controlling Power in a CDMA- 2000 System	Tae Ik SONG	10/568,234	February 14, 2006	2003-0067736	September 30, 2003	PCT/KR2004/02469	September 24, 2004
16 05-497-C	Method of Controlling Power in a W-CDMA Mobile Communication System	Dong Keun KIM	10/569,046	February 22, 2006	2003-0067737	September 30, 2003	PCT/KR2004/02470	September 24, 2004

SCHEDULE A

MBHB Reference No.	Title	Inventor(s)	U.S. Application No.	U.S. Filing Date	Korean Application No.	Filing Date (Korean Application)	PCT Application No.	Filing Date PCT National Phase
17 05-498-C	Method of Controlling Data Rate for a Forward Data Service in a CDMA 2000-1X System	Jung Han LEE	10/569,041	February 22, 2006	2003-0067738	September 30, 2003	PCT/KR2004/02471	September 24, 2004
18 05-500-B	ATM Switched Router for Transmitting IP Packet Data	Jung Hee PARK	10/585,586	July 11, 2006	2004-0002981	January 15, 2004	PCT/KR2005/00133	January 14, 2005
19 05-507-B	Apparatus and Method for Dualizing an Asynchronous Transfer Mode (ATM) Router in a CDMA2000 System	Tae Hong KIM	10/585,602	July 11, 2006	2004-0002973	January 15, 2004	PCT/KR2005/00134	January 14, 2005
20 05-509-B	Method for Correcting Time Data in a Network Management Application Using a SNMP	Sang Dae PARK	10/586,086	July 13, 2006	2004-0002979	January 15, 2004	PCT/KR2005/00138	January 14, 2005
21 05-511-B	Apparatus and Method for Sensing Faults of Application Programs in a CDMA System	Ki Sung LYU	10/586,289	July 13, 2006	2004-0002980	January 15, 2004	PCT/KR2005/00139	January 14, 2005
22 05-517-B	Automatic Update System and Method for Using a META MIB	Young Jin KIM	10/586,087	July 13, 2006	2004-0002982	January 15, 2004	PCT/KR2005/00140	January 14, 2005

SCHEDULE A

MBHB Reference No.	Title	Inventor(s)	U.S. Application No.	U.S. Filing Date	Korean Application No.	Filing Date (Korean Application)	PCT Application No.	Filing Date PCT National Phase
23 05-518-B	Structure of a Management Information Base Communicated Between a Network Management System and an Agent of a Network Element	Kwang Seok KANG	10/585,838	July 12, 2006	2004-0002983	January 15, 2004	PCT/KR2005/00141	January 14, 2005
24 05-595-B	Method of Distributing Network Traffic in a Mobile Communication System	Hyun Young SHIN	10/556,924	November 14, 2005	2003-0035283	June 2, 2003	PCT/KR2004/01310	June 2, 2004
25 05-597-B	System and Method for Tracking Position of a Mobile Unit Using Beacons in a Mobile Communications System	June Man KIM	10/560,664	December 13, 2005	2003-0050916	July 24, 2003	PCT/KR2004/01851	July 23, 2004
26 05-615-B	Method for Call Completion Service	Sea Gon CHUN	10/556,274	November 14, 2005	2003-0034806	May 30, 2003	PCT/KR2004/01274	May 28, 2004
27 05-616-B	Method for Automatically Setting a Frequency of a Base Station in a CDMA-2000 System	Ju Hyun BAN; Sang Won SON	10/561,351	December 19, 2005	2003-0051154	July 24, 2003	PCT/KR2004/01854	July 23, 2004

MEMORANDUM OF LAW IN SUPPORT OF PETITION UNDER 37 C.F.R. §
1.47(b) BY PERSON HAVING PROPRIETARY INTEREST TO FILE APPLICATION
ON BEHALF OF INVENTOR

This memorandum of law is in support of Petition under 37 C.F.R. § 1.47(b) to allow UTStarcom, Inc. ("UTStarcom") to make the application on behalf of a non-signing inventor.

BACKGROUND

UTStarcom submitted a Petition under 37 C.F.R. § 1.47(b) to allow UTStarcom to make the Application, listed in Schedule A, column 4, on behalf of the inventor listed in Schedule A, column 3, whom UTStarcom has been unable to locate. The Petition was denied on the grounds that UTStarcom allegedly failed to establish a proprietary interest in the above-referenced U.S. Application.

STATEMENT OF FACTS

All facts in support of the argument and conclusion are set forth in the Declaration of Andrew Choung under M.P.E.P. 409.03(f).

ARGUMENT AND CONCLUSION

UTStarcom should be awarded title to the above-referenced U.S. Application because UTStarcom, as the assignee of patent rights to the underlying Korean Application and subsequent patent applications granted by the assignor Hyundai Syscomm Inc. ("Hyundai Syscomm"), is the sole proprietary owner of the U.S. Application.

Under Korean Patent Law, UTStarcom is recognized as the owner of the Korean Application. First, the Korean Intellectual Property Office recognizes UTStarcom as the current owner of the Korean Application as a matter of record. Second, the invention disclosure form executed by the inventor in favor of Hyundai Syscomm, which includes an assignment of the subject matter of the Korean Application from the inventor to Hyundai Syscomm, is more than sufficient to overcome any challenge to UTStarcom's ownership interest.

The Korean Patent Act provides that a patent application of an employee may be filed directly by the employee's company, without an explicit assignment from the employee to the employee's company. *Korean Patent Act, Article 42* (See Attached Exhibit 1). Unless the examiner or a third party contests the company's right to file the application, the company becomes the owner of the application. Thus, even in the absence of an employee-inventor assignment, a Korean Patent Application filed by a company without contest by others is the proprietary owner of the patent rights. See *Korean Patent Act, Article 42, Para 1* (See Attached Exhibit 1).

In the instant case, Hyundai Syscomm filed the Korean National Application listed in Schedule A, column 6, as the named applicant. The filing of the application was not contested by the Examiner or any third party. Thus, under Korean Law, Hyundai Syscomm became the owner of the Korean application even in the absence of an employee inventor assignment. Subsequently, the Hyundai Syscomm's patent portfolio, including the above-mentioned Korean Application, was assigned to UTStarcom. This assignment was recorded with the Korean Intellectual Property Office, without objection, making UTStarcom the legal owner of the above-mentioned Korean Application.

Under the present circumstances, only the inventor(s) may challenge the legitimacy of Hyundai Syscomm's ownership of the Korean Application. Korean Patent Act, Articles 34 and 35 (See Attached Exhibit 1). However, any challenge by the inventor(s) would fail under Korean Patent Law. The inventor(s) executed an invention disclosure form, which assigns the subject matter of the Korean Application to Hyundai Syscomm. Because the subject matter described in the invention disclosure form is virtually identical to the subject matter contained in the Korean Application, the assignment therein would be deemed by a Korean court of law to assign the Korean Application to Hyundai Syscomm. See In-Chul Choi v. Samsung Electronics Co., Ltd., 2001 Gahap 13977 (Seoul District Court, August 22, 2002) (See Attached Exhibit 2) (recognizing the validity of the assignment based on the content in the invention disclosure form despite the absence of a specific application number reference). Thus, even if challenged, the chain of title of the Korean Application would be sustained under Korean Patent Law and UTStarcom would remain the ultimate owner.

This ownership of the Korean Application, in conjunction with the other assignment terms of the acquisition agreement previously submitted, establishes UTStarcom's rights to the subsequent PCT application and U.S. national phase application. Thus, UTStarcom has a proprietary interest in the referenced U.S. Application listed in Schedule A, column 3, and should be allowed to make the application in U.S. on behalf of the missing inventor under 37 C.F.R. § 1.47(b).

Respectfully submitted

Date: 16-January-2007 By: Joo-Young Kim
Joo-Young Kim

9F,

Kim & Chang
Hungkuk Life Insurance Building,
226 Sinmunno 1-ga, Jongno-gu,
Seoul 110-786, Korea